

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2254 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

PATEL POPATBHAI BHAGABHAI

Versus

STATE OF GUJARAT

Appearance:

MR BJ JADEJA for Petitioner

MR VB GHARANIA for Respondent No. 1

MR JR NANAVATI for Respondent No. 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/08/1999

ORAL JUDGEMENT

1. Learned counsel for the petitioner contended that the State Government in identical matters i.e. the revision application filed by the petitioner and the revision application filed by the respondents No. 2 and 3 has given a contrary decision.

2. Briefly stating the facts of the case are that

the petitioner and the respondents No.2 and 3 had made encroachment on the land of the Government but on their applications ultimately their possessions were regularised on payment of price at the rate as stipulated in the order of the District Collector, Jamnagar. That price had to be paid in installments and it is not in dispute that all the three persons, i.e. the petitioner and the respondent No.2 and 3 have not paid the installments of the price and as a result thereof, the Collector has taken the proceedings for recalling of its earlier order of regularisation of the possession of the land and ultimately it was cancelled. Then the matter has been taken up in the revision, but so far as the revision application of the respondents No.2 and 3 is concerned, the matter has been remanded back to the Collector for consideration thereof afresh, but the petitioner's revision application has been rejected.

3. Learned counsel for the respondents are in agreement that the Secretary of the State in the revision applications in identical matters passed contradictory orders. Learned counsel for the parties are also in agreement that the matter of respondents No.2 and 3 which has been remanded by the Secretary to the Collector is still pending before the said authority.

4. In view of these facts, on which there is also no dispute between learned counsel the parties, the order of the Additional Chief Secretary of the Revenue Department (Appeals), Gujarat State, Ahmedabad dated 9-11-1987, annexure 'F' and that of the Collector, Jamnagar dated 12-6-1985, annexure 'D' are set aside and the Collector, Jamnagar is directed to decide the remanded matter of the respondents No.2 and 3 and this matter together in accordance with law. It is expected of the Collector, Jamnagar to decide these matters within a period of two months from the date of receipt of writ of this judgment.

5. The special civil application and Rule stand disposed of accordingly with no order as to costs.

zgs/-